

ENVIRONMENTAL PROTECTION AGENCY
REGION I - BOSTON

CLASS. NO. 1200
DELEGATION NO. 8-20

DELEGATION OF AUTHORITY

DATE: 2/22/17

SOLID WASTE DISPOSAL ACT (SWDA)

8-20. Monitoring, Testing, Analysis, and Reporting

1. PURPOSE AND LEGAL AUTHORITY.

A. Purpose. To redelegate the authorities contained in Delegation 8-20, issued by EPA Headquarters on January 18, 2017.

B. Authority. Pursuant to the Solid Waste Disposal Act (SWDA), including Section 3013:

- a. to make determinations that the presence of any hazardous waste at a facility or site at which hazardous waste is, or has been stored, treated, or disposed of, or the release of any such waste from such facility or site may present a substantial hazard to human health or the environment;
- b. to make determinations and findings regarding monitoring, testing, analysis, and reporting;
- c. to make determinations and findings that: the owner or operator of a facility or site not in operation when a determination that there may be a substantial hazard is made could not reasonably be expected to have actual knowledge of the presence of hazardous waste and its potential for release;
- d. to issue orders to present and past owners and operators of facilities or sites requiring monitoring, testing, analysis, and reporting, carrying out required monitoring, testing, analysis, requiring proposals for and reporting, and requiring the carrying out of same in accordance with such proposals and such modifications as deemed reasonable by the Regional Administrator;
- e. to provide the owner or operator an opportunity to confer with EPA respecting a proposal for carrying out required monitoring, testing, analysis or reporting;

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- f. to make determinations and findings that: no owner or operator is able to conduct monitoring, testing, analysis, or reporting satisfactory to the Regional Administrator; any such action carried out by an owner or operator is unsatisfactory, or; there is not an owner or operator referred to in Section 3013(a) or (b) who is able to conduct such monitoring, testing, analysis and reporting;
- g. to conduct monitoring, testing, or analysis (or any combination thereof); to authorize a State or local authority or other person to carry out such activity; and to order reimbursement for the costs of such activity after making the determinations in 1.B.a. through 1.B.c., or 1.B.f. above; and
- h. to designate representatives of the Regional Administrator to perform the functions to conduct monitoring, testing, or analysis (or any combination thereof) contained in paragraph 1.B.g.

2. TO WHOM REDELEGATED.

A. These authorities in 1.B.a through 1.B.h are redelegated to the Director, Office of Site Remediation and Restoration (OSRR) and the Director, Office of Environmental Stewardship (OES).

B. In OES, the authorities 1.B.a and 1.B.h are further redelegated by the Director, OES, to the Manager, Technical Enforcement Office, OES, except that the authority in 1.B.g. to conduct monitoring, testing, or analysis (or any combination thereof) is further redelegated to the staff level.

C. In OSRR, the 1.B.a and 1.B.h are further redelegated by the Director, OSRR, to the Manager of Remediation and Restoration II, except that the authority in 1.B.g. to conduct monitoring, testing, or analysis (or any combination thereof) is further redelegated to the staff level.

3. REDELEGATION AUTHORITY.

A. The authorities 1.B.a through 1.B.h may be redelegated to the Section Chief level, and no further, except that the authority in 1.B.g. to conduct monitoring, testing, or analysis (or any combination thereof) may be redelegated to the staff level.

B. An official who redelegates an authority retains the right to exercise or withdraw

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the authority. Redelegated authority may be exercised by any official in the chain of command down to the official to whom it has been specifically redelegated.

4. LIMITATIONS.

A. Prior to exercising any of the above authorities, the Director, OSRR, must consult with the Director, OES, or his/her designee, unless this consultation is waived by the Director, OES.

B. Prior to exercising any of the above authorities, the Director, OES, or his/her designee, shall consult with the Manager, Legal Enforcement Office, OES, or his/her designee, regarding the legal sufficiency of the action.

C. The Manager, Legal Enforcement Office, OES, or his/her designee, is responsible for any necessary consultation with the Regional Counsel, or his/her designee, regarding significant counseling issues.

D. This authority may not be redelegated without the concurrence of the Regional Directives Officer, Human Resources Office, Office of Administration and Resources Management.

E. The Assistant Administrator (AA) for the Office of Enforcement and Compliance Assurance (OECA), the AA for the Office of Land and Emergency Management (OLEM), and the AA for the Office of Water (OW) must notify any affected Regional Administrator before exercising any of the above authorities.

F. The AA for OLEM must obtain advance concurrence of the AA for OECA prior to exercising these authorities.

G. The AA for OW may only exercise this authority to carry out studies under Section 3018(c) of the SWDA and must obtain the advance concurrence of the AA for OLEM and the AA for OECA prior to exercising the authority.

5. ADDITIONAL REFERENCES.

A. Section 3013 of the SWDA

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B. See also Section 3007 of the SWDA for additional information gathering authority.

C. EPA Order 3510 *EPA Federal Credentials for Inspections and Enforcement of Federal Environmental Statutes and Other Compliance Responsibilities*.


6. SUPERSESSION. Region 1 Delegation of Authority 8-20, dated August 5, 2009.


Deborah A. Szaro
Acting Regional Administrator


Susan Studien, Director
Office of Environmental Stewardship

2/22/17
Date

02/17/2017
Date


Bryan Olson, Director
Office of Site Remediation and Restoration

2/16/17
Date